

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANGELA SAGER,

Plaintiff,

vs.

Case No. 3:20-cv-922-DEP

KILOLO KIJAKAZI,<sup>1</sup>  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**Consent Order for Payment of Fees under the Equal Access to Justice Act**

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the Plaintiff, Angela Sager, and counsel for the Defendant, Acting Commissioner of Social Security, that Plaintiff is awarded Six Thousand Four Hundred Thirty Dollars and 25/100 (\$6,430.25) in attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. The award of attorney fees will satisfy all of plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to plaintiff and not to his attorney and can be offset to satisfy pre-existing debt that plaintiff owes the United States. *Astrue v. Ratliff*, 560 U.S. 586 (2010). After the court enters this award, if defendant can verify that plaintiff owes no preexisting debt subject to offset, defendant agrees to make the award payable to plaintiff's attorney pursuant to the EAJA assignment signed by plaintiff and counsel.

The Court having reviewed the record in this matter;

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

IT IS on this 1st day of February, 2022;

**ORDERED** that Plaintiff be allowed a fee under the Equal Access to Justice Act in the amount of \$6,430.25 in attorney's fees. Attorney's fees are payable to the Plaintiff, but if Plaintiff does not owe a debt subject to offset, payable to Plaintiff's attorney if Plaintiff assigns EAJA to counsel.

The undersigned hereby consent to the form and entry of the within Order.

CARLA B. FREEDMAN  
United States Attorney

Dated: January 25, 2022

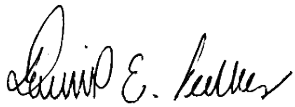
s/ Rami Vanegas<sup>2</sup>  
Rami Vanegas  
Special Assistant United States Attorney  
Attorney for Defendant

Dated: January 25, 2022

s/ Peter Gorton  
Peter Gorton  
Attorney for Plaintiff

Dated: February 1, 2022  
Syracuse, New York

SO ORDERED:

  
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Honorable David E. Peebles  
United States Magistrate Judge

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<sup>2</sup> Signed by Peter Gorton with permission of Rami Vanegas